

Application No.: 10/653,601

Docket No.: 00-VE20.59 DIV1

REMARKS

This response is intended to be fully responsive to the Office Action having a mailing date of April 11, 2005. Claims 28-34 are rejected and currently pending. The independent claims are claims 28, 30 and 32. Applicants respectfully request reconsideration in view of the following remarks.

Rejections Of Claims 28-34 Under 35 U.S.C. § 102(e)

Claims 28-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Avitsur et al.*, U.S. Patent No. 6,201,854. This rejection is respectfully traversed.

Claim 28 recites,

“An automated telephone test apparatus, comprising;
test circuit means for applying test signals to a telephone line to be tested, said test circuit means including a means for applying dialing signals to said telephone line; a memory; and programmable means connected to said test circuit means and said memory for controlling the apparatus; said apparatus being programmed to firstly: store in said memory assignment data indicative of a telephone number corresponding to the telephone line to be tested; said apparatus being programmed to secondly: apply dialing signals to said telephone line to actuate a line identification facility at a central office; receive line number data signals indicative of a telephone number corresponding to said telephone line from said line identification facility at said central office to which said dialing signals were applied; decode said received line number data signals; retrieve said stored assignment data from said memory; compare said telephone number indicated by said retrieved assignment data with said telephone number indicated by said received and decoded line number data signal; and indicate whether said telephone line tested was the intended subject of the test assignment.”

Independent claim 30 recites a method that includes, among other things, line number data signals indicative of a telephone number corresponding to a telephone line to be tested being received from a line identification facility at a central office and thereafter decoded for comparison to assignment data retrieved from memory to determine whether the telephone line tested was the intended subject of the test assignment.

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Independent claim 32 recites a method wherein, among other things, the line number data signals are identified as dual tone multi-frequency (DTMF) signals.

Avitsur et al. discloses a system and method for verification and identification of a telephone number. Contrary to the Examiner's position, *Avitsur et al.* does not teach a system that includes a memory wherein the system is programmed to store in the memory assignment data indicative of a telephone number corresponding to the telephone line to be tested as according to claim 28. At col. 4, lines 60-65, *Avitsur et al.* teaches that the MMI and processing unit 24, which may be integrated with the test equipment 16, preferably has access to a telephone number database 30 which contains information about the telephone numbers of the telephone lines. (See also Figure 1). Although the MMI and processing unit 24 has memory, the test equipment is not programmed to store assignment data indicative of the telephone number of the telephone line to be tested in that memory as according to claim 28. The database 30 is disclosed as a separate and distinct unit from the test equipment 16, unlike the MMI and processing unit 24. As taught at col. 5, lns. 23-24 of *Avitsur et al.*, any existing telephone number information is obtained from the database (30) of such information. Accordingly, the system of *Avitsur et al.* does not include a memory wherein the system is programmed firstly to store in the memory assignment data indicative of a telephone number corresponding to the telephone line to be tested as according to the apparatus of claim 28. Therefore claim 28, as well as its dependent claims 29 and 33, are allowable for at least this reason.

With regard to claims 28 and 30, Applicants submit that *Avitsur et al.* does not disclose or suggest an apparatus that receives line number data signals from a central office and thereafter decodes the line number data signals for comparison to assignment data retrieved from memory to determine whether the telephone line tested was the intended subject of the test assignment. At col. 4, lines 45-59, *Avitsur et al.* teaches a MMI and processing unit that includes a dialer 26 for (1) initiating a call from the tested telephone line to the central switch 12 in order to receive voice announcement or caller identification information, or for (2) initiating a call to a dedicated telephone number at the central switch 12 in order to determine the telephone number associated with the tested telephone line 14 (See also Figure 1). There is no teaching or disclosure of the test equipment 16 receiving line number data signals from a central office and thereafter decoding the line number data signals for comparison to assignment data retrieved

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from memory to determine whether the telephone line tested was the intended subject of the test assignment as according to claims 28 and 30. At col. 6, lns. 14-44, *Avitsur et al.* teaches that the telephone number of the tested telephone line is conveyed to a user via an audible voice announcement or a text message, depending on the embodiment, which the user must receive, interpret, and compare (himself or herself) to confirm the telephone number. There is no teaching in *Avitsur et al.* that the telephone number supplied by the central office is automatically compared by the apparatus to data retrieved from memory. Applicants submit that if the test equipment were capable of performing the comparison automatically then there would be no need to convert the voice announcement to text. Doing so would require that the test equipment convert the text message back to electrical signals that represent the text message. Thereafter, the representative information could be compared to the previously stored messages. For at least these reasons, Applicants submit that claims 28 and 30, as well as dependent claims 29, 31, 33 and 34 depending from either claim 28 or claim 30, are patentable.

Further, Applicants submit that claims 29, 31 and 32 are patentable because *Avitsur et al.* does not disclose sending DTMF signals from the central office on the telephone line indicative of the telephone number. Claims 29, 31 and 32 recite sending dual tone multi-frequency (DTMF) signals indicative of the telephone number on the telephone line. *Avitsur et al.* does not disclose or suggest that the line number data signals are DTMF signals. Rather, *Avitsur et al.* teaches sending voice and/or text messages over the line. Claims 29, 31 and 32 are patentable for at least this reason.

In view of the foregoing explanation of the failure of *Avitsur et al.* to disclose or suggest all of the elements recited in, at least, each one of Applicants' independent claims, Applicants respectfully request that the 35 U.S.C. § 102(e) rejection of claims 28-34 be withdrawn and the claims allowed. Applicants respectfully request that this application be passed to issue.

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CONCLUSION

Applicants respectfully submit that all pending claims are distinguished over the cited prior art and are otherwise in condition for allowance. If the Examiner has any questions or issues relating to Applicants' response, or believes that any formal matters require clarification, the Examiner is cordially encouraged to telephone the undersigned Applicants' representative.

Applicants believe that no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 07-2347, under Order No. 00-VE20.59 DFV1 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged against this Deposit Account.

Dated: July 7, 2005

Respectfully submitted,

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